IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15831 of 2004

Between:

AVS Acharyulu, S/o.Sri Nagabhushnam, aged about 58 years,

Occ:Retired Senior Lecturer, District Institute of Education and Training (DIET), Bommuru, Rajahmundry, East Godavari District, R/o. Kakinada, E.G.Dist.

..... PETITIONER

AND

1. State of Andhra Pradesh, rep.by its Principal Secretary to Government, Technical Education Department, Secretariat, Hyderabad.
2. The Commissioner and Director of School Education, Saifabad, Hyderabad.
3. The Regional Joint Director of School Education, Kakinada, E.G.District.
4. The District Educational Officer, East Godavari District, Kakinada, East Godavari District.
5. The Principal, District Institute of Education and Training (DIET), Bommuru, Rajahmundry, E.G.District.
6. The Accountant General, Saifabad, Hyderabad, Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus: a) Directing the respondents, more importantly, the 5th respondent to forthwith submit Part II B pension Proposal, Last Pay Certificate and No Due Certificate to the Accountant General, Hyderabad to process and sanction the

pensionary benefits to the petitioner within a period of 4 weeks ; b) Declare that the writ petitioner is entitled for all terminal benefits consequent upon his retirement from service on 31-07-2004 and pass

Counsel for the Petitioner: MR.ABHINAND KUMAR SHAVILI

Counsel for the Respondents 1 to 5: GP FOR SCHOOL EDUCATION

Counsel for the Respondent No.6: MR. K.NARAHARI

The Court at the stage of admission made the following:

ORDER:

The petitioner, while working as a Senior Lecturer in the fifth respondent institute, stood as a surety to his colleague in a chit fund transaction. Since his colleague failed to pay the chit amount, a suit was filed by the chit fund Company against the original borrower and the sureties including the petitioner. The suit was decreed. Subsequently, E.P.No.462 of 2004 was filed for attachment of the salary and accordingly salary attachment was ordered.

2. Subsequently, after receiving the information that the petitioner retired from service, the civil Court namely the I Additional Junior Civil Judge, Kakinada issued an attachment warrant for attachment of Rs.74,732/- from the amounts payable to the petitioner. After receipt of the attachment warrant, the fifth respondent is not forwarding the pension papers of the petitioner for fixing of the pension and for release of the other benefits. He therefore, approached this Court seeking a direction to the fifth respondent to send the pension proposals to the Accountant General and to disburse the terminal benefits payable to him.

3. In the light of the circumstances explained by the petitioner, the fifth respondent is directed to forward the pension papers of the petitioner to the Accountant General for fixing the pension and for release of the other terminal benefits. After receipt of those amounts, the fifth respondent is directed to retain Rs.74,732/-, pending further orders from the civil Court and disburse the remaining amount to the petitioner as and when the amounts are received.

4. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

03rd September, 2004

SKM

Note:

Issue C.C. within three days.

B/o.

Skm.
To

1. The Principal Secretary to Government, State of Andhra Pradesh, Technical Education Department, Secretariat, Hyderabad.
2. The Commissioner and Director of School Education, Saifabad, Hyderabad.
3. The Regional Joint Director of School Education, Kakinada, E.G.District.
4. The District Educational Officer, East Godavari District, Kakinada, East Godavari District.
5. The Principal, District Institute of Education and Training (DIET), Bommuru, Rajahmundry, E.G.District.
6. The Accountant General, Saifabad, Hyderabad, Andhra Pradesh.
7. Two C.Cs. to G.P. for School Education, High Court Buildings,

High Court of A.P., Hyderabad, (OUT).

8 Two CD copies.